

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BOBBY GENTRY,

Plaintiff,

v.

OFFICER LEWIS, et al.,

Defendants.

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Case No. 6:22-cv-325-JDK-JDL

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Bobby Gentry, proceeding pro se, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for disposition.

On August 24, 2022, Judge Love ordered Plaintiff to furnish inmate account information and to file an amended complaint setting out a short and plain statement of his claim. Docket Nos. 4, 5. Although Plaintiff furnished the account information, he did not file an amended complaint.

On October 11, 2022, Judge Love issued a Report recommending that the Court dismiss Plaintiff's lawsuit without prejudice for failure to prosecute or to obey an order of the Court, with the statute of limitations suspended for a period of 60 days following the date of entry of final judgment. Docket No. 7. This Report was sent to Plaintiff at his last known address, but no objections have been received. Henderson

County Jail records indicate that Plaintiff was released from confinement on October 17, 2022, but to date, he has not notified the Court of his current mailing address. The complaint form that Plaintiff filed contains a declaration stating “I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of the lawsuit.” Docket No. 1 at 5. Accordingly, Plaintiff’s failure to do so represents an additional basis for dismissal of the lawsuit without prejudice.

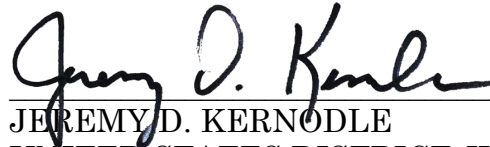
This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not object in the prescribed period. The Court therefore reviews the Magistrate Judge’s findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge’s Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law”).

Having reviewed the Magistrate Judge’s Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to

law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 7) as the findings of this Court. It is therefore **ORDERED** that this case is **DISMISSED** without prejudice for want of prosecution and Plaintiff's failure to comply with an order of the Court. The statute of limitations is **SUSPENDED** for a period of 60 days following the date of entry of final judgment, with such suspension having no effect upon any claims which were already barred by limitations at the time the original complaint was filed.

So **ORDERED** and **SIGNED** this **1st** day of **December, 2022**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE